D.B. CIVIL SPECIAL APPEAL NO.144/2006

The New India Assurance Co. Ltd. **Vs**. Vijai Kumar Mehta & Ors.

Date : 03.10.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HONBLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. B.S. Rajpurohit for the appellant.

The only point raised by the Insurance company to deny its liability to pay compensation to the victim is that the vehicle in question was used for carrying passenger for hire or reward in violation of the conditions of the policy. Hence, insurer is not liable to indemnify the insured. The finding was recorded against the Insurance Company by the Motor Accident Claims Tribunal that it is not proved that the vehicle was being used for hire or reward to carry passengers. The said finding has not been found erroneous by the learned Single Judge.

In that view of the matter, the appellant having not disputed the liability on any other ground before the learned Single Judge, no interference is called for.

The special appeal is, therefore, dismissed.

[GOPAL KRISHAN VYAS], J. [RAJESH BALIA], J.

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